



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,774	12/31/1998	GREGORY S. LINDHORST	3797.77995	3334

28319 7590 08/11/2003
BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597

EXAMINER

BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
2176	18

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 11 2003

Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/223,774

Filing Date: December 31, 1998

Appellant(s): LINDHORST ET AL.

Christopher R. Glembocki
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 21, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that Group I claims 1-2, 8-11, and Group II claims 3-7, do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,953,731 GLASER 9-1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser, U.S.

Patent No. 5,953,731 issued September 1999.

In regard to independent claim 1, Glaser teaches a software development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45; compare with claim 1 “*a page object control on a first page for storing a list....associated with said first page*”).

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet "FORM1" is dragged into a "FORM2" drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an

applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 1 “*wherein a second page is capable of instantiating....with said first page into said second page.* ”).

The limitation of “*a page object control*” would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages.

In regard to dependent claim 2, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20; compare with claim 2).

In regard to independent claim 3, the limitation of “*creating a first page capable of referencing a second page*”, and “*referencing said second page from said first page*” would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and since Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret that, initially, one page must reference another page containing the control to be copied, so that said control can be copied, providing Glaser the benefit of referencing pages for visually inspecting controls.

Glaser teaches editing a page with a form editor (Glaser Abstract; compare with claim 3 “*editing said first page*”).

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet “FORM1” is dragged into a “FORM2” drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 3 “*referencing at least one of a method or property....being associated with said second page*”).

Glaser teaches a data storage device for storing data (Glaser column 3 lines 66-67; compare with claim 3 “*storing said first page*.”).

In regard to dependent claims 4, 5, Glaser teaches a development environment comprising an Applet control list of all forms and projects, and inserting controls from one form or HTML page into another HTML page with all necessary code associated with said object (Glaser Abstract, column 7 lines 40-45; compare with claims 4, 5).

In regard to dependent claims 6, 7, Glaser teaches dragging a control into a modifiable dropped position in an HTML page (Glaser column 7 lines 14-20; compare with claims 6, 7).

In regard to independent claim 8, Glaser teaches a development environment comprising an Applet control list of all forms and projects. Glaser also teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract, column 7 lines 40-45; compare with claim 8 “*a*

first page object control on a first page”, and “*a second page object control on a second page, said second page object control storing a list...*”).

Glaser teaches inserting controls from one form or HTML page onto another HTML page (Glaser Abstract; compare with claim 8 “*at least one method on said second page*”).

Glaser teaches a control from one form or HTML page inserted into another HTML page. A form window displaying applet “FORM1” is dragged into a “FORM2” drop location, resulting in a transfer of the applet object, or a reference to said object (with an added HTML reference), onto the new form or HTML page with all necessary code associated with said object. The second page can instantiate an applet, including the methods and properties associated with said applet, which is copied from the first page onto the second page (Abstract, column 6 lines 65-67, column 7 lines 1-9, 26-34; compare with claim 8 “*... said list comprising at least one of a method and a property associated with said second page*”, and “*wherein said first page retrieves said second page object control.... to support script in said first page.*”).

The limitation of “*pages as objects*”, and “*page object*” would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Glaser, because Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret said forms from said applet list as associated with HTML pages, providing the advantage of form objects that are customized to different pages.

In regard to dependent claim 9, Glaser teaches dragging a control into a dropped position (settable by developer) in an HTML page (Glaser column 7 lines 14-20).

In regard to dependent claims 10-11, Glaser teaches implementation of its invention using a client/server embodiment (Glaser Figure 1, column 3 lines 43-46, 60-67 to column 4 lines 1-14).

(11) Response to Argument

Beginning with page 7 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

a. *“As previously described in the Amendment filed August 19, 2002, Glaser fails to teach or suggest a page object control as recited in claim 1.”* (page 7 - at top, also page 12, of the brief).

“Briefly, it was explained that the term ‘control’ as used by Glaser referred to applet code being inserted into the code for an HTML page displayed in a code editor window as illustrated in Fig. 7C of Glaser. Specifically, “control” in the Glaser reference refers to one of the elements (e.g. ‘GRID1’) on the Applet list as illustrated in Fig. 7C of Glaser. The Examiner does not refute or deny this interpretation. There is no showing that the control of Glaser equates to the page object control as set forth in the claims.” (page 8 – near top, also page 12, of the brief).

The examiner respectfully disagrees with the above assertions. Glaser teaches a programming development environment for developing Internet applications (especially HTML pages and/or forms). Glaser specifically teaches *“A user may select control from one form or HTML page and insert it into another HTML page”* (Glaser Abstract, also at column 6 lines 9-11). It is respectfully observed that Glaser refers to “control” as a “selected control” (see Glaser Abstract – at middle).

In additional support of the instant rejections, it is respectfully submitted that Glaser does not limit a “control” to item “GRID1” in Figure 7C. In addition to “GRID1”, and “FORM1” (Glaser Figure 7C item 438) being fairly interpreted as “objects”, Glaser also teaches a selectable control defined as “a button” to be dragged and dropped by a user into another page (see Glaser column 6 lines 9-11), said button can be fairly interpreted as a type of control object on a page. The above teachings regarding selection of a control from a page, page objects within Figure 7C, and Glaser’s “control” defined as a selectable button on a page (a control object), are used by the examiner to teach the claimed “*page object control*”. Without further clarification of a “*page object control*” in the claims, the examiner applies the broadest reasonable interpretation of the claimed limitations within the scope of the relevant art.

b. *“As was described in the Request for Reconsideration, Glaser fails to teach or suggest a first page. In the interpretation adopted by the Patent Office, the ‘control’ of Glaser (e.g., ‘GRID1 on the Applet list) is on an Applet list and the Applet list is ‘the first page’. However, the Applet list is merely ‘a window displaying applets for all forms and projects known to the development computer’ (see Glaser, col. 7, lines 43-45) and does not constitute ‘a first page.’ The Applet is not a page at all but rather a window displayed by the web page design program that lists objects that may be dragged and dropped into an editor window.”* (page 8 – at bottom, also page 11, of the brief).

The examiner respectfully disagrees. In addition to Glaser column 7, the examiner also relies on Glaser’s Abstract to teach this limitation. In particular, Glaser (Abstract) teaches “*A user may select control from one form or HTML page and insert it into another HTML page*”. The control from one form/HTML page can be fairly interpreted as “a first page”, and the other (recipient) page can be reasonably interpreted as “a second page”.

c. *“Thus, even if one were to erroneously conclude that the Applet window of Glaser is equivalent to a ‘first page’ of claim 1, the ‘control’ (e.g. GRID1) of Glaser does not store a list of at least one of a method and a property associated with the Applet list (assumed to be the ‘first page’).”*
(page 9 – at top, of the brief).

The examiner respectfully disagrees. Glaser Figure 7C teaches a form object (item 438) as well as the code for form 2, including relevant code describing (listing) methods and properties associated with the object and its page. In additional support of the instant rejections, Glaser teaches (subsequent to dragging/dropping a (control) button into another page), the button’s applet code inserted into the code of the second page, with automatic inclusion of any dependency code and/or control into the second page as well (see Glaser column 6 lines 9-19). Since a control object (i.e. a graphical button, or the form object of Glaser Figure 7C) requires various code to implement, Glaser’s invention acts to keep track of (i.e. a listing of) said code and dependent code/methods, so as to provide a complete transition of all related methods and properties associated with a dragged object in association with a page.

d. *“The Patent Office also appears to alternatively equate the Applet list of Glaser with the page object control of claim 1. In this interpretation, the Applet list of Glaser itself was equated with the “page object control” of claim 1 and the elements on the Applet list (e.g. ‘GRID1’) was equated with ‘methods’ or ‘properties’. However, the elements on the Applet list are not equivalent to methods or properties associated with the first page. As was pointed out in the Request for Reconsideration (page 5, second*

paragraph), applets are computer programs for performing a task, and, without more, do not teach or suggest methods and properties.” (page 9 – at bottom, of the brief).

The examiner respectfully disagrees. Glaser teaches a programming development environment for developing Internet applications (HTML pages and/or forms), which can utilize an Applet list for management and selection purposes. Since Glaser specifically teaches “*A user may select control from one form or HTML page and insert it into another HTML page*” (Glaser Abstract, see also column 6 lines 9-11), and since a page control object can be interpreted as a control button on a page (also at Glaser column 6 lines 9-11), Glaser’s overall invention involves an Applet list which is at least associated with the control object selection between HTML pages.

It is respectfully submitted that Appellant does not appreciate the breadth of the claimed invention, and that Appellant is reading the specification into the claims. Representative claim 1 claims in pertinent part; “*a page object control on a first page for storing a list of at least one of a method and a property associated with said first page*”. In addition to the response of arguments ‘a’, and ‘b’ above, since a control button (object) initially resides on a first HTML page, said button’s applet code at least indexes (lists) methods and properties associated with said object (i.e. WIDTH, HEIGHT, and a class reference (see Glaser Figure 6D item 438), said methods/properties can be interpreted as associated with the HTML page said button object resides. Without further clarification within the claimed limitations regarding at least a “*page object control*”, and “*method and a property*”, the broadest reasonable interpretation of the claimed limitations within the scope of the relevant art is adopted.

e. *“Further, Glaser fails to teach or suggest a second page as recited in claim 1”*

(page 10 – at bottom, also repeated on page 11, of the brief).

The examiner respectfully disagrees. The examiner relies on Glaser’s Abstract to teach this limitation. In particular, Glaser (Abstract) teaches *“A user may select control from one form or HTML page and insert it into another HTML page”*. The control from one form/HTML page can be fairly interpreted as “a first page”, and the other (recipient) page can be reasonably interpreted as “a second page”.

f. *“Nowhere does Glaser teach or suggest instantiating the page object control.”* (page 11 – at top, also page 12, of the brief).

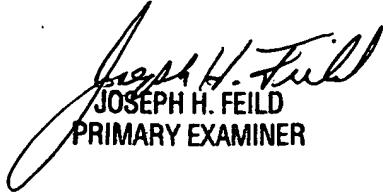
The examiner respectfully disagrees. Glaser teaches that a second page can instantiate an applet, including the methods and properties associated with said applet. Since Glaser’s invention is substantially directed towards developing Internet and Intranet applications (Glaser Abstract), the resulting applications must be at least *“capable”* of instantiating its code objects in order to run said applications.

g. *“Even if one were to erroneously that the windows were pages, Glaser still fails to teach or suggest referencing the second window from the first window. Glaser merely discloses a user dragging an element from one portion of a display to another but does not teach or suggest referencing the second page from the first page.”* (page 14 – at middle, of the brief).

The examiner respectfully disagrees. Glaser teaches a project window with an applet list of various applet forms (Glaser column 7 lines 42-45). Since it is known in the Web publishing art that applets are generally applied to forms and HTML pages, and since Glaser teaches selecting and inserting a control from one form object or HTML page into another HTML page (Glaser Abstract, at middle), it would have been obvious to interpret that, (at least initially), one page must reference another page containing the control to be copied, so that said control can be copied (see also Glaser column 6 lines 7-19, regarding dragging and dropping of selected controls from one page to another (a control from one page initially references a target page via said drag/drop operation). The claimed limitation "*referencing said second page from said first page*" does not preclude the examiner from interpreting said limitation in this fashion.

For the above reasons, it is believed that the rejections should be sustained.

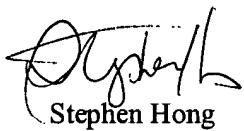
Respectfully submitted,


JOSEPH H. FEILD
PRIMARY EXAMINER

William L. Bashore
August 7, 2003

Conferees:


Joseph Feild


Stephen Hong

BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET, N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597